

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHERIDON SHELBY,

Plaintiff,

v.

**KWIK KAR; GUIDE STAR; and RMEE,
INC.,**

Defendants.

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Civil Action No. **3:19-CV-1556-L-BH**

ORDER

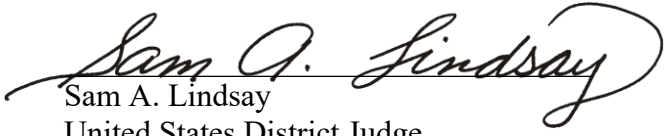
Before the court is the Findings, Conclusions, and Recommendation of the Magistrate Judge (Doc. 13) (“Report”), filed May 27, 2022. The Magistrate Judge found that Sheridan Shelby’s (Plaintiff or “Mr. Shelby”) action is duplicative of a previous lawsuit that he filed against Defendants Kwik Kar (“Kwik Kar”) and Guide Star (“Guide Star”) and, therefore, is frivolous. Mr. Shelby concedes or acknowledges that this action is based on the same facts and duplicates the same claims that he asserted in *Shelby v. Kwik Kar/Guide Star and Kwik Industries*, Civil Action No. 3:18-CV-0532-B. Plaintiff contends, however, that there are “some different supporting facts.” Doc. 8 at 3.

In this action, he adds Rmee, Inc. (“Rmee”) as a third defendant. The addition of a third defendant in this action is quite beside the point, because adding other defendants in a successive action does nothing to change the frivolous or duplicative character of the subsequent action, and a court may properly dismiss the successive action. *Bailey v. Johnson*, 846 F.2d.1019, 1020-21 (5th Cir. 1988) (citations omitted).

The Magistrate Judge recommended that this action be dismissed with prejudice. Plaintiff filed no objections to the Report, and the 14-day deadline to object (June 10, 2022) has passed. *See* Fed. R. Civ. P. 72(b)(2).

After a careful review of the Report, record, and applicable law, the court **determines** that the findings and conclusions of the Magistrate Judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action because it is frivolous.

It is so ordered this 15th day of June, 2022.


Sam A. Lindsay
United States District Judge